



Oregon

**State Board of Examiners for
Engineering & Land Surveying**

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PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting

June 4, 2008

Members present:

Carl Tappert, Chair

Ron Stuntzner

Amin Wahab

Staff present:

Mari Lopez, Executive Secretary

Jenn Gilbert

Others present:

Sue Laszlo (observer)

Sue Newstetter (observer)

Joanna Tucker-Davis, AAG

The meeting of the Professional Practices Committee was called to order at 2:10 p.m. in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

New Business:

RFP No. 08-1295-PLAN

The Committee received an email from Chris Aldridge, RPP, i-Ten Associates, dated March 25, 2008 regarding a Request for Proposal (RFP) issued for 2008 – 2009 Digital Orthophotos. Staff informed the Committee of the updated information obtained. The RFP does require a registered photogrammetrist. There was no further discussion or action.

DEQ – Erosion and Sediment Control Plan Permit

The Committee received a Department of Environmental Quality Erosion Control Plan Permit for the 1200 c Program, for review. Concerns were regarding the inclusion of the Certified Professional in Erosion and Sediment Control (CPESC) along with the Inspector Qualifications Information. Mr. Stuntzner noted that the Committee discussed CPESC and Certified Professional in Storm Water Quality (CPSWQ) certifications. Ms. Laszlo further elaborated on the discussions held by the Committee and the Board in 2006, along with an April 5, 2006 email from AAG Kathi Dahlin. The Committee then reviewed the CPESC Web site (www.cpesc.net), including the Certification Procedures and Standards. After discussion, Mr. Tappert suggested to send a letter to the administrator of the 1200 c Program. The letter should include the Committee's concerns that the application form suggests that there is an equivalency between the CPESC and a professional engineer. A CPESC is not a license regulated by the State of Oregon

and any individual performing engineering services without registration is in violation of the Oregon Revised Statute (ORS) Chapter 672. Mr. Stuntzner recommended to include a statement that the CPESC is a certification; not a professional license. Additionally, the requirements for an Inspector should not exclude a professional engineer.

StreamBank 2008 Pilot Project Objectives

For informational purposes, the Committee received an email and document regarding the StreamBank 2008 Pilot Project Objectives. It appeared that the purpose of the project was to complete follow-up studies on restoration projects. After a brief discussion, the Committee determined that no action or response was warranted.

Request for Opinion re: OAR 820-010-0720

The Committee received a request for an opinion from Dan Linscheid regarding county surveyors or their employees providing land surveying services to the public in a private capacity. He asks if the OAR 820-010-0720 would prohibit county surveyors from offering land surveying services to the public while employed full-time by the County. He also asked if the OAR 820-010-0720 would prohibit a registrant from working full-time in one office while offering land surveying services to the public out of another office.

The Committee reviewed the background information provided in the April 21, 2008 email. It was noted that the Committee held a similar discussion in October 2007. In addition, the Committee was informed of a similar discussion held during the June 3, 2008 meeting of the Law Enforcement Committee (LEC). The Committee noted that there may be more behind the question. However, after discussion, it was determined that the OAR 820-010-0720 does not necessarily prohibit a registrant from working full-time in one office while offering services to the public out of another office. However, as also discussed by the LEC, the situation may possibly open the registrant to the scrutiny of the OAR 820-020-0030.

State Forests Program Position

The Committee received an email dated April 28, 2008 from John Seward regarding a past job announcement for a position with the Oregon State Department of Forestry. He requested the Committee to review the job announcement for elements of engineering or land surveying, as defined in the ORS that would require the individual in the position performing those duties to be a registrant. He also states that the position is with the State Forests program of the Oregon State Department of Forestry on state managed land and inquires if the work would fall within the exemption contained in the ORS 672.060(6).

After reviewing the job announcement, it was determined that there were elements in the job announcement that would require the individual in the position performing such duties to hold a professional registration. The Committee will also inform Mr. Seward that the Oregon State Department of Forestry is not exempt and provide for his review, the AAG memorandum dated May 25, 2005 (DOJ File No. 917-001-GB0019-05) that answered similar questions posed to the Committee.

Architectural Engineering

As a result of a brief conversation held during the May 13, 2008 Board meeting regarding Architectural Engineering, notification was given that Mr. Ken Williamson may approach the Committee for further discussion. Due to previous discussions held in 2004 regarding the term “architect,” Ms. Laszlo recommended inviting other interested parties to the discussion, such as members of the Oregon Board of Architect Examiners.

Electronic Drawing Files

The Committee received an email dated May 27, 2008 from Marius Smidt regarding electronic copies of final drawings. Specifically, he requests guidance on the procedure to follow when a steel fabricator requests electronic ACAD-drawing files. Mr. Smidt states that these are the actual files from which stamped hard-copies are originally prepared. The Committee noted that there are no provisions in the ORS Chapter 672 or the OAR Chapter 820 regarding his circumstance and determined that the distribution of documents is a business practice in which the Committee does not provide comment.

Unfinished Business:

Mission, Function, and Goals

The members reviewed the Mission, Function, and Goals of the Committee. Discussion was held regarding the types of liaison the Committee performs in contrast with the External Relations Committee. Ms. Laszlo stated that the Committee works with other Boards, such as the Oregon State Board of Architect Examiners (OBAAE) and the Oregon State Board of Geologist Examiners (OSBGE). Ms. Lopez noted that other agencies may work with the Committee as well, such as the Oregon Department of Transportation (ODOT). Mr. Tappert also requested to include cataloging previous advice and responses to the goals of the Committee. These documents would be available to the Board members not aware of the Committee history. **The revised Mission, Function, and Goals will be presented during the July Board meeting.**

Practice of Fire Protection

As requested during the May 13, 2008 Board meeting, this topic was placed on the agenda. However, it was noted that during the May Board meeting, the members of the Board recommended changes to the OAR 918-261-XXXX, as presented by Chris Huntington, Acting Manager, Policy and Technical Services of the Building Codes Division (BCD). A meeting with the Electrical and Elevator Board was held on May 22, 2008 in which additional revisions may be presented during the July Board meeting. No further action was taken.

2008 Reference Manual for Building Officials

A brief discussion was held regarding the Reference Manual for Building Officials. Consideration was given to revise the portion regarding shop drawings. A brief discussion was also held regarding the possibility of using the Reference Manual with regards to the matters of the design of fire protection systems. Ms. Lopez also recommended inviting a representative from the national level of the Society of Fire Protection Engineers (SFPE) for assistance. The Committee will determine the necessity of the invitation after the presentation by the President of the SFPE during the 2008 Annual NCEES Meeting. After further discussion, it was noted that any recommended changes to the Reference Manual must be submitted to Ms. Lopez by June 16,

2008. This deadline will also be given to the OBAE to allow sufficient time for review and discussion prior to the anticipated September distribution.

The meeting adjourned at 4:25 p.m.